

**MEMO ENDORSED**

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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August 12, 2008

**Via Federal Express**

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 11201

Re: Alemengor, et al. v. Schmidt, et al.  
SDNY Docket No. 08 Civ. 6585 (LAK)

Your Honor:

This office represents defendants Benno C. Schmidt, Philip Alfonso Berry, Valerie Lancaster Beal, Rita DiMartino, Frieda D. Foster-Tolbert, Joseph J. Lhota, Hugo M. Morales (s/h/a Hugi M. Morales), Peter S. Pantaleo, Kathleen M. Pesile, Carol A. Robles Román, Marc V. Shaw, Charles A. Shorter, Sam A. Sutton, Jeffrey S. Wiesenfeld (s/h/a Jeffrey S. Wisenfeld), Robert Ramos, Manfred Philipp, and Christoph M. Kimmich (collectively, "Defendants") in the above-referenced action. I write to respectfully request: (1) an extension of Defendants' time to answer, move or otherwise respond to the complaint to October 3, 2008, and (2) an adjournment of the pre-trial conference currently scheduled for September 11, 2008, to a date after October 3, 2008. Counsel for plaintiffs has kindly consented to this request, and no prior extensions have been sought.

This extension is requested so that I might familiarize myself with the facts of this case and research the relevant law. In preparing an appropriate response to the 180-paragraph complaint, I must identify, locate and interview those persons with knowledge of the allegations set forth therein and identify, locate and review any documents relevant to plaintiffs' claims. However, several of the individuals with knowledge relevant to plaintiffs' allegations are presently unavailable due to previously scheduled vacations, and will also be unavailable during the period from August 25–September 5, 2008 due to the start of the Fall 2008 academic semester at all campuses of The City University of New York ("CUNY"). Further, I myself will be unavailable during the period from September 10-19, 2008 due to trial and trial preparation in an unrelated matter before the Honorable Brian M. Cogan in the United States District Court for the Eastern District of New York. Additional time is, therefore, needed to investigate and prepare an appropriate response to the complaint.

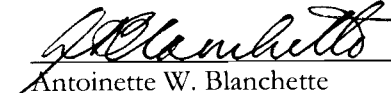
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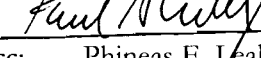
Accordingly, it is respectfully requested: (1) that Defendants' time to answer, move or otherwise respond to the complaint in this action be extended to October 3, 2008, and (2) that the pre-trial conference currently scheduled for September 11, 2008, be adjourned to a date after October 3, 2008.

Thank you for your time and consideration of these requests.

Application granted. The defendant's time to answer is extended to 10/3/2008 and the initial pretrial conference is re-scheduled to 10/7/2008 at 9:00am.

Respectfully,

  
Antoinette W. Blanchette  
Assistant Attorney General

So Ordered:  USDJ-Part I  
cc: Phineas E. Leahey, Esq.

Dated: 8/19/2008

**MEMO ENDORSED**